

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

AMERICAN UNIVERSITY OF  
ANTIGUA,

Plaintiff,

HONORABLE PATRICK J. DUGGAN

v.

No. 10-10978

STEVEN WOODWARD,

Defendant.

\_\_\_\_\_ /

MOTION FOR SHOW CAUSE

Detroit, Michigan -- Wednesday, January 18, 2012

APPEARANCES:

Eric A. Buikema, Esq.  
Cardelli, Lanfear & Buikema,  
322 West Lincoln  
Royal Oak, Michigan 48067  
Tel: (248) 544-1100  
ebuikema@cardellilaw.com  
On behalf of Plaintiff

Steven L. Woodward  
In Pro Per  
c/o 7211 Brittwood Lane  
Flint, Michigan 48507  
steve\_l\_woodward@yahoo.com  
On behalf of Defendant

- - -

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**Detroit, Michigan**

**Wednesday, January 18, 2012**

**10:10 a.m.**

- - -

**THE CLERK:** Civil action number 10-10978; American University of Antigua College of Medicine versus Steven Woodward.

**THE COURT:** Identify yourselves, for the record.

**MR. BUIKEMA:** Good morning, Your Honor. Eric Buikema, on behalf of the plaintiff, along with my colleague, Paul Kittinger.

**MR. WOODWARD:** Steven Woodward.

**THE COURT:** All right.

**Motion for Show Cause**

**ARGUMENT BY MR. BUIKEMA**

**MR. BUIKEMA:** Judge, there are two matters before you today. The first -- well, at least what I would like to do first is our Request for Show Cause as to why Mr. Woodward should not be held in contempt for violating this Court's December 5th, 2011 permanent injunction. The second matter is we're set for an Evidentiary Hearing today on the sole remaining issue in the case as to damages.

Because the first has an impact as to whether my client deems it productive at all to proceed with the

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1 second, I suggest we take the Show Cause first.

2 **THE COURT:** Okay.

3 **MR. BUIKEMA:** As you know, Judge, we were granted,  
4 in part, Summary Judgment on our claims in this case,  
5 particularly as to certain claims for defamation. And  
6 this Court, per our request, granted a permanent  
7 injunction against Mr. Woodward's publication of  
8 certain false and defamatory statements, including that  
9 AUA routinely commits frauds upon its students, AUA  
10 falsifies its students' grades, breaches contracts,  
11 conspires to commit fraud in violations of civil rights  
12 and other enumerated items in the December 5th order.

13 Upon receiving of that order, Judge, I reviewed  
14 the website and found it to still be up, intact, and  
15 unaltered. On the following date, I believe on  
16 December 6th, 2011, it could have been the seventh, I  
17 emailed Mr. Woodward to ensure he had received a copy  
18 of that order and advising him that he had been  
19 permanently enjoined and that we demanded he  
20 immediately either withdraw or alter his website such  
21 that it complies with the injunction. The response  
22 was, "No", essentially. And Mr. Woodward remains  
23 today, January 18th, 2012, in non-compliance with the  
24 injunction. His website remains unaltered from the  
25 time that injunction was granted.

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1 I have several examples of his willful, knowing,  
2 and flagrant disregard for that injunction. To begin  
3 with, and I'd be happy to provide the Court with copies  
4 of the things I have in my possession, which are  
5 printouts from his website, I think, yesterday.

6 But to begin with, if you were to even look at the  
7 homepage, the very first page of his website, you'll  
8 see under the index publication the following five  
9 underlined, highlighted items: Fraud, falsifying  
10 students grades, breach of contract, disregard for  
11 student civil rights, and conspires against its  
12 students.

13 That information exists intact today on his  
14 website nearly 50 days after the injunction was granted  
15 and at least 45 since he's been served with a copy of  
16 that.

17 **THE COURT:** All right. Let's hear what he has to  
18 say about that.

19 **RESPONSE BY MR. WOODWARD**

20 **MR. WOODWARD:** Hold on, Your Honor, I'm trying to  
21 find -- Mr. Buikema is falsely accusing me. I emailed  
22 him back and said, "Please, see dockets", and I sent  
23 dockets to the Court. I'm going to find those in a  
24 second.

25 My email --

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1           **THE COURT:** Please, let's move on. Please,  
2 please.

3           **MR. WOODWARD:** Okay.

4           **THE COURT:** He said -- step up to the podium,  
5 please. He said that the website remains unaltered  
6 since the injunction, is that true?

7           **MR. WOODWARD:** Well, I took down the front page  
8 and I put everything on private --

9           **THE COURT:** He says it remains unaltered, is that  
10 true?

11           **MR. WOODWARD:** That is true.

12           **THE COURT:** Then that violates the injunction.

13           **MR. WOODWARD:** I don't understand, I can't find  
14 these statements on that page. I sent you -- I  
15 submitted documents to the Court showing that I cannot  
16 find these. And if you tell me what statements you  
17 want me to remove, I'll remove them.

18           **THE COURT:** He is telling you what statements to  
19 remove. Hasn't he told you?

20           **MR. WOODWARD:** Your Honor, your own testimony  
21 shows that he's committed perjury. Your own evidence.

22           **THE COURT:** Sir, I don't want to hear about that.  
23 Listen to my question. Didn't he tell you -- first of  
24 all, you read the injunction?

25           **MR. WOODWARD:** I read the injunction.

1           **THE COURT:** And you know precisely what it is that  
2           you had previously been doing that I enjoined you from  
3           doing in the future?

4           **MR. WOODWARD:** You said not to publish these seven  
5           statements.

6           **THE COURT:** Where did I say that?

7           **MR. WOODWARD:** That's what this says.

8           **THE COURT:** What does it say?

9           **MR. WOODWARD:** It says, "It is further ordered  
10          defendant permanently enjoined from publishing on the  
11          internet by any other means or medium the following  
12          statements."

13          **THE COURT:** Okay.

14          **MR. WOODWARD:** It says, "AUA routinely commits  
15          fraud against its students, AUA falsifies students  
16          grades, AUA breaches contracts." If you look at this  
17          website, that is not what this says.

18          **THE COURT:** What's this?

19          **MR. WOODWARD:** This is the web page he's talking  
20          to you about. It says, "This contains evidence about  
21          AUA." How do I remove something that is not what these  
22          seven statements, that are in quote, say?

23          **THE COURT:** Was there any statement in there that  
24          said, "AUA routinely commits fraud upon its students"?

25          **MR. WOODWARD:** I did a word search on all

1 electronic files and I did not find --

2 **THE COURT:** Was there any statement that you put  
3 on the web originally --

4 **MR. WOODWARD:** Sir --

5 **THE COURT:** Listen to me, just say yes or no.  
6 --that said, "AUA routinely commits fraud upon its  
7 students", was that on there?

8 **MR. WOODWARD:** This is what I said on here --

9 **THE COURT:** Was that statement on there?

10 **MR. WOODWARD:** I don't know, I can't find that  
11 statement.

12 **THE COURT:** You put it on there.

13 **MR. WOODWARD:** I obviously did not put it on  
14 there. If it says, "AUA committed perjury", on there,  
15 I cannot find it on there.

16 **THE COURT:** AUA --

17 **MR. WOODWARD:** I did a search --

18 **THE COURT:** Listen, you're not --

19 **MR. WOODWARD:** I am listening, sir.

20 **THE COURT:** No, you're not, I never said perjury.  
21 Read what number one says.

22 **MR. WOODWARD:** I'm reading what number seven says.

23 **THE COURT:** No, I'm asking you about number one to  
24 start with.

25 **MR. WOODWARD:** Routinely commits fraud against its



1 students, I cannot find that statement.

2 THE COURT: Did you put that statement on there  
3 ever?

4 MR. WOODWARD: That statement, no.

5 THE COURT: Never said that?

6 MR. WOODWARD: This statement, no. I cannot find  
7 that statement. That statement was never on there.

8 THE COURT: I didn't ask you whether you could  
9 find it or not, I asked if -- he said you did it  
10 originally, therefore you should be enjoined from doing  
11 it.

12 MR. WOODWARD: I did not put that statement on  
13 there.

14 THE COURT: Ever?

15 MR. WOODWARD: Ever.

16 THE COURT: Please, raise your right hand.

17 STEVEN WOODWARD,  
18 at 10:19 a.m., being first duly sworn by the  
19 Court to tell the truth, was examined and  
20 testified upon oath as follows:

21 THE COURT: You're under the penalty of perjury if  
22 you're not telling the truth.

23 MR. WOODWARD: I can't find that statement.

24 THE COURT: I didn't ask you if you could find it.

25 MR. WOODWARD: Yes, I do.

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1           **THE COURT:** Stop. I said to you, did you ever say  
2 that on the website?

3           **MR. WOODWARD:** I did not say this statement, "AUA  
4 routinely commits fraud--"

5           **THE COURT:** Did you say anything equal to that?

6           **MR. WOODWARD:** Possibly. Your own evidence --  
7 that's why I've asked you to tell me what to remove.

8           **THE COURT:** I'm not going to tell you, you have to  
9 -- he's told you what you did --

10          **MR. WOODWARD:** I can't do this, Your Honor.

11          **THE COURT:** Then you may be in contempt.

12          **MR. WOODWARD:** I cannot do this, Your Honor --

13          **THE COURT:** Sir --

14          **MR. WOODWARD:** His own statements about plurality  
15 of students, sexual assaults, this is perjury.

16          **THE COURT:** Don't go off on anything other than  
17 what I'm addressing --

18          **MR. WOODWARD:** My civil rights have been violated  
19 by due process under 28455 --

20          **THE COURT:** Are you going to listen to --

21          **MR. WOODWARD:** Under 28455 for bias.

22          **THE COURT:** Sir, don't speak unless I ask you to.  
23 Stop. Just listen to my question and answer it  
24 precisely.

25          He has said earlier that you made these statements

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1 listed there and that they are to be enjoined. And I  
2 enjoined it. You never previously indicated that these  
3 were never on the website, you indicated that most of  
4 the stuff on there was either true, but you never said,  
5 "Judge, this isn't even on there." Never said that  
6 before, okay.

7 **MR. WOODWARD:** Okay.

8 **THE COURT:** He's saying it's on there, are you  
9 telling me now that, for example, let's go to 15, that  
10 you never said, ever --

11 **MR. WOODWARD:** Where? What?

12 **THE COURT:** Listen. That, "AUA falsifies the  
13 students grades", did you ever say that?

14 **MR. WOODWARD:** I cannot find that statement on my  
15 website.

16 **THE COURT:** I didn't ask you if you could find it.  
17 You did it. You put the stuff on there. Didn't you  
18 put that on there?

19 **MR. WOODWARD:** It could be, I don't know. That  
20 statement is not on there. That exact statement --

21 **THE COURT:** Don't tell me about the exact  
22 statement, did you make a statement that they falsify  
23 grades?

24 **MR. WOODWARD:** I did. And they do.

25 **THE COURT:** Why did it take us five minutes to get

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1 to that?

2 MR. WOODWARD: Because they do.

3 THE COURT: Don't say anything about, "They do."  
4 So, you did put it on there.

5 MR. WOODWARD: I have.

6 THE COURT: And I told you to take it off, did  
7 you?

8 MR. WOODWARD: I did not.

9 THE COURT: Then you're in contempt. Didn't you  
10 read the injunction?

11 MR. WOODWARD: Your Honor, these statements are  
12 not on there.

13 THE COURT: Let's start again. I just thought you  
14 told me it was, that they falsify the grades?

15 MR. WOODWARD: That's not this statement.

16 THE COURT: Oh, counsel, don't be picky here.

17 MR. WOODWARD: There are paragraphs of this stuff,  
18 Your Honor, how much of it do you want me to remove?

19 THE COURT: Everything relating to falsifying  
20 grades. Doesn't that make sense to you?

21 MR. WOODWARD: No, it does not when I can't find  
22 that exact statement on there, sir.

23 THE COURT: Okay. I'm just going to hold you in  
24 contempt. You're not playing straight with the Court.  
25 You know what I want done. You know what I told you to

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1 do you and you just want to go round and round in  
2 circles.

3 **MR. WOODWARD:** That's not true, Your Honor. You  
4 violated my due process in the whole part of this case.

5 **THE COURT:** Fine, we'll go with that. Take that  
6 up with the Court of Appeals, okay. I've ruled.

7 **MR. WOODWARD:** Okay. Fine.

8 **THE COURT:** Now, you said, you just admitted a few  
9 minutes ago that you did make statements on there that  
10 AUA falsifies student grades, statements to that  
11 effect, you made that statement, correct?

12 **MR. WOODWARD:** Correct.

13 **THE COURT:** And I told you to take it off and you  
14 haven't, fair enough?

15 **MR. WOODWARD:** Correct.

16 **THE COURT:** Okay. Violation of the injunction.  
17 Okay. Let's go to the next one. Did you make  
18 statements that AUA breaches contracts?

19 **MR. WOODWARD:** I don't know.

20 **THE COURT:** What do you mean you don't know?

21 **MR. WOODWARD:** You'd have to find it.

22 **THE COURT:** Why should I have to find it?

23 **MR. WOODWARD:** "AUA contains evidence of", that is  
24 not the same thing. That is as subjective -- that's  
25 subjective as you even have said.

1           **THE COURT:** Did you make a statement that AUA  
2           conspires to commit fraud in violation of civil rights?

3           **MR. WOODWARD:** I don't know, does it say that?

4           **THE COURT:** You don't know what's on there?

5           **MR. WOODWARD:** It doesn't say it, sir.

6           **THE COURT:** I don't care if it says those exact  
7           words --

8           **MR. WOODWARD:** That's what you're saying.

9           **THE COURT:** Well, you don't want to comply with  
10          the Court's Order. It's obvious.

11          **MR. WOODWARD:** I want fairness. I want unbiased  
12          fairness and due process out of this and you have not  
13          given me that.

14          **THE COURT:** I understand you don't think I have --

15          **MR. WOODWARD:** And you haven't.

16          **THE COURT:** I believe I have and I'm going to hold  
17          you in contempt and jail you. That's the way the  
18          system goes. You could take it up with another Court.  
19          But when I issue an injunction, whether you like it or  
20          not, whether you think due process was given or not,  
21          whatever you think you have to obey the injunction,  
22          those are the rules.

23          Now, if you disagree with the injunction, you have  
24          a right to challenge the injunction --

25          **MR. WOODWARD:** I did challenge that.

1           **THE COURT:** -- you don't have a right to disobey.  
2           Regardless of the injunction, if I'm totally wrong,  
3           I've enjoined you from something, then our rules of the  
4           court say you must obey that injunction and you choose  
5           not to do it.

6           **MR. WOODWARD:** I could not find these statements.

7           **THE COURT:** That's not what I'm talking about.  
8           I'm satisfied they were on there. You know where they  
9           are, you think your due process rights have been  
10          violated and therefore you don't have to comply with  
11          the injunction.

12          **MR. WOODWARD:** That's not true at all. That is  
13          not true at all. He has committed perjury in this case  
14          and you allowed him to commit perjury --

15          **THE COURT:** That has nothing to do with it.

16          **MR. WOODWARD:** Yes, it does, Your Honor. Back on  
17          July 19th of 2010, day one you should have dismissed  
18          this case.

19          **THE COURT:** That has nothing to do -- do you  
20          understand the issue? The issue is I've issued an  
21          injunction and --

22          **MR. WOODWARD:** The issue is you've violated my  
23          rights of due process, sir.

24          **THE COURT:** If I issued an injunction you must  
25          obey it, that's the rules. Now, you can challenge the

1           injunction, you can disagree with it, you can ask me to  
2           reverse it --

3           **MR. WOODWARD:** And I did ask you that.

4           **THE COURT:** But I'm not doing it. Until that's  
5           done, the injunction is there and you must obey it and  
6           you're choosing not. You're choosing to go around,  
7           wasn't fair, due process, I don't have to obey it.

8           **MR. WOODWARD:** I looked for these seven rules and  
9           whether they're there or not, hey, you asked me to find  
10          these seven things and this is just more example of  
11          them publishing crap that doesn't even exist. Making  
12          statements that don't exist. I mean, your own opinions  
13          contradict each other. Your own opinions, sir.

14          **THE COURT:** That's your opinion.

15          **MR. WOODWARD:** How is it any other opinion? Your  
16          own testimony proves --

17          **THE COURT:** Sir, I didn't give any testimony.

18          **MR. WOODWARD:** You made statements on April 19th  
19          that the statements I'm making are true. How did you  
20          even let this case go this far?

21          **THE COURT:** Go how far?

22          **MR. WOODWARD:** To this point.

23                 You want to throw me in jail? Fine. Gandhi went  
24                 to jail, Mandela went to jail, Christ went to jail, but  
25                 Pilot didn't even lie about Christ.



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1           **THE COURT:** As long as you're willing to accept  
2 the consequences of disobeying my injunction, fine.  
3 Okay.

4           **MR. WOODWARD:** You want to throw me in jail, throw  
5 me in jail, I have nothing left. Throw me in jail.

6           You have the keys to my car? Take all of this  
7 stuff. This is going to be -- I don't care.

8           **THE COURT:** That's fine, if you don't want to obey  
9 the injunction --

10          **MR. WOODWARD:** I will obey the injunction if you  
11 tell me what to remove and how much of it you want me  
12 to remove because you know what, these statements right  
13 here are as subjective as they get. It says, "This  
14 site contains evidence AUA committed fraud, falsifying  
15 students grades", how much more subjective is that?

16          **THE COURT:** What's subjective of falsifying  
17 grades?

18          **MR. WOODWARD:** Because under the rules of what you  
19 even said, they have to be subjective. Is the  
20 statements subjective or not subjective? Is it  
21 subjective or is it not or is it -- what else do you  
22 call it?

23          **THE COURT:** There's nothing subjective about a  
24 statement that they falsify grades.

25          **MR. WOODWARD:** But that's not what this statement

1           says.

2           **THE COURT:** What does it say?

3           **MR. WOODWARD:** It says, "This site contains  
4           evidence about AUA, fraud, falsifying student grades",  
5           how much more subjective is that statement, sir?

6           **THE COURT:** Does the statement contain statements  
7           about falsifying grades?

8           **MR. WOODWARD:** Contains evidence that they did.  
9           You won't let me prove it because you're violating my  
10          right of even -- I mean, you've even lied in there  
11          about them refusing to take documentation, sir.

12          **THE COURT:** I'm not talking about evidence, I'm  
13          talking about a statement that they falsified grades,  
14          the statement.

15          **MR. WOODWARD:** It says, "Falsifying student  
16          grades", you can twist that as much as you want.

17          **THE COURT:** I'm not going to twist it, it's pretty  
18          simple to me, either you said it or you didn't.

19          **MR. WOODWARD:** Well, is it subjective or is it not  
20          subjective?

21          **THE COURT:** What's subjective about that?

22          **MR. WOODWARD:** Because in your opinion a statement  
23          is not actionable if it's subjective.

24          **THE COURT:** No, counsel, you're totally  
25          misunderstanding. You understand a statement, "AUA

1 falsifies grades", you understand that statement?

2 **MR. WOODWARD:** I understand that statement.

3 **THE COURT:** That's a fact, okay, that's an  
4 assertion of a fact.

5 **MR. WOODWARD:** Okay.

6 **THE COURT:** Nothing subjective about it, assertion  
7 of a fact. If you said it, and they say you did, I  
8 said, "Take it off."

9 **MR. WOODWARD:** And I said that statement does not  
10 exist. It says, "This site contains evidence AUA--",  
11 and then it's, colon, "--evidence of falsifying  
12 students grades."

13 **THE COURT:** Okay.

14 **MR. WOODWARD:** How does it not get more subjective  
15 than that? This whole site is subjective. You even  
16 said that this site is totally subjective. That  
17 anybody that goes to this site knows exactly what this  
18 site is. Anybody that goes to this site, you said it,  
19 knows exactly what's on this site. It's a subjective  
20 site.

21 I hate these bastards as much as anybody can hate  
22 anybody and everything on this site is subjective. It  
23 is not -- what do you call it? You called it --  
24 there's two different types of claims, they are the  
25 ones that you remove something from. It's subjective

1 and another one is -- you wrote it in here.

2 Hell, you even wrote -- you lied about, "Mr.  
3 Woodward no longer states on his website students are  
4 sexually assaulted", that never existed under your own  
5 statement. You've lied in your own opinion, sir.

6 **THE COURT:** I don't know what you're talking about  
7 I lied.

8 **MR. WOODWARD:** Page 23, you lied.

9 **THE COURT:** What did I say that was not correct?

10 **MR. WOODWARD:** You said, "Woodward no longer  
11 states on his website that AUA students are sexually  
12 assaulted (see request for admissions number 22  
13 (emphasis added)); instead, he asserts: AUA student  
14 sexually assaulted. See, <http://aua-med.com> Woodward  
15 presents evidence to show that this is a true  
16 statement. Similarly, Woodward no longer states that  
17 AUA's student pass rates for USMLE medical board exam  
18 is only 22.9 percent, (request for admissions number  
19 28). Instead--"

20 **THE COURT:** Hold on. Which of those am I  
21 incorrect on?

22 **MR. WOODWARD:** "No longer", I've never said that,  
23 sir. I never said that statement and you knew it day  
24 one. You knew that blatant perjury by this son of a  
25 bitch Neil Simon and his affidavit --

1           **THE COURT:** Sir, you're in contempt. Did you hear  
2 what you just said to the Court?

3           **MR. WOODWARD:** What?

4           **THE COURT:** You're in contempt.

5           **AUDIENCE MEMBER:** Steven, calm down.

6           **THE COURT:** You totally disrespected the Court.  
7 Get the Marshals up here. We're going to take you and  
8 put you in contempt.

9           **MR. WOODWARD:** I'm right here. Neil Simon's sworn  
10 affidavit --

11                           **Contempt of Court Order**

12           **THE COURT:** Please, take him to the lockup until  
13 such time he's ready to respect the Court.

14           While we're waiting, counsel, he's going to remain  
15 in custody until such time as he's indicated to the  
16 Marshals he's ready to show respect to the Court. When  
17 we continue the hearing, I want you to be prepared  
18 quickly to articulate, on this website, where these  
19 things he says he can't find are.

20           **MR. BUIKEMA:** I'm prepared to do that now and  
21 happy to do that.

22           **THE COURT:** We'll resume when he's ready to show  
23 some respect for the Court.

24           I'm ordering him held in custody for contempt of  
25 this Court for his use of inappropriate language and

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1 his disrespect for the Court. He will be detained  
2 until such time as he demonstrates that he's willing to  
3 show respect for the Court.

4 We're going to resume this hearing at two o'clock,  
5 and we'll see whether or not he's prepared to address  
6 the Court in a proper manner.

7 **(At 10:38 a.m., Steven Woodward held in contempt of Court)**

8 **THE COURT:** Yes, sir.

9 **AUDIENCE MEMBER:** Your Honor, I'm Steven's uncle,  
10 what am I supposed to do with all his documents?

11 **THE COURT:** Leave them right there.

12 **AUDIENCE MEMBER:** They'll be all right there? It  
13 won't be in nobody's way?

14 **THE COURT:** No.

15 **RESPONSE BY MR. BUIKEMA**

16 **MR. BUIKEMA:** For what it's worth, Judge, I know  
17 you don't either, but we take no joy in what just  
18 happened and I know that you don't either. We're going  
19 to excuse ourselves until two o'clock, if that's okay  
20 with you?

21 **THE COURT:** Then at that time I want you to be  
22 prepared to quickly go and identify each of these  
23 statements on the website so I can see it, he can see  
24 it, and he can indicate it either is or is not there.

25 **MR. BUIKEMA:** I'm happy to do that. In fact, we

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1           have some exhibits that might be helpful to you, do you  
2           want me to delay those until two o'clock?

3           **THE COURT:** Why don't you furnish those to him and  
4           the Court before you started. You've got copies for  
5           him?

6           **MR. BUIKEMA:** I do.

7           **THE COURT:** Leave them on the table there.

8           **MR. BUIKEMA:** I will. May I approach? Thank you,  
9           Judge.

10          **THE COURT:** All right. We'll see you at  
11          two o'clock.

12          (A break was taken from 10:41 a.m. to 2:08 p.m.)

13                               -       -       -

14          **THE COURT:** Identify yourselves, for the record.

15          **MR. BUIKEMA:** Again, Your Honor, Eric Buikema, on  
16          behalf of the plaintiff, American University of  
17          Antigua, along with my colleague, Paul Kittinger.

18          **MR. WOODWARD:** Steven Woodward.

19          **THE COURT:** Mr. Woodward, let us begin -- come to  
20          the podium, please, stand at the podium -- with my  
21          admonition to you, that you, and any lawyer the same,  
22          must show respect for the Court, number one.

23                 Number two, you and any lawyer must obey the  
24                 orders of the Court. Disagree with them, you may have  
25                 every right to disagree with the rulings, you may feel

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1 the rulings are wrong, but you have to obey them until  
2 such time as another Court has said they're wrong.

3 If you didn't follow that procedure and every time  
4 the Court made a ruling, obviously one side is not  
5 happy with the ruling and they would go on and on and  
6 on and complain about the ruling. You can't have that.

7 The situation is, follow the ruling, right or  
8 wrong, there is a record. And if some Appellate Court  
9 thinks the record was wrong, it will be dealt with at  
10 that time.

11 The only way we can deal with handling court  
12 matters is the parties must understand and must accept  
13 the rulings of the Court. The parties should be given  
14 an opportunity to express themselves, but once the  
15 Court has made a ruling, that ruling must be followed.

16 Now, can you follow that procedure?

17 **MR. WOODWARD:** I can.

18 **THE COURT:** Do you have a copy of the injunction  
19 in front of you? Can you pull one quickly?

20 **MR. WOODWARD:** I believe this is the order.

21 **THE COURT:** Sure, bring it up to the podium. All  
22 right. And you'll see on the bottom of the first page  
23 of the order it lists a number of things that you are  
24 enjoined from doing, correct?

25 **MR. WOODWARD:** Correct, sir.



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1           **THE COURT:** Number one, did your website, at any  
2           time, past or present, assert that AUA routinely  
3           commits fraud upon its students?

4           **RESPONSE BY MR. WOODWARD**

5           **MR. WOODWARD:** I need to take the Fifth. I can't  
6           answer that.

7           **THE COURT:** Why?

8           **MR. WOODWARD:** I can't answer that.

9           **THE COURT:** Well, why can't you? It's your  
10          website.

11          **MR. WOODWARD:** I can't answer that. I can't  
12          answer that without condemning myself. I can't answer  
13          that. You've asked me to ask two different things.

14          **THE COURT:** I'm sorry, two different things?

15          **MR. WOODWARD:** I can't answer that, sir.

16          **THE COURT:** You can't or you won't?

17          **MR. WOODWARD:** Sir, what do you want me to say?

18          **THE COURT:** I want to know whether or not your  
19          website made that statement.

20          **MR. WOODWARD:** Sir, under Rule 34, in production  
21          of documents, if a party does not produce documents  
22          what is the penalty of a party not producing documents,  
23          it's Rule 37, they cannot produce those documents in  
24          court, correct?

25          **THE COURT:** I don't know what you're talking

1           about.

2           **MR. WOODWARD:** If a party is requested to produce  
3           documentation to support their claim and they've been  
4           requested to produce that documentation to support  
5           their claim and they refuse to produce the  
6           documentation to support their claim, can they use that  
7           claim in a hearing?

8           **THE COURT:** Probably, I don't know, every case is  
9           different. Maybe they have an explanation, I don't  
10          know. The rule says what it says.

11          **MR. WOODWARD:** Okay. So, if I asked them to  
12          produce documentation and they have blatantly refused  
13          to produce documentation, then under Rule 34 and 37,  
14          they cannot produce documentation in court; is that  
15          correct?

16          **THE COURT:** I'm not ruling on that at all, you're  
17          asking me an academic question.

18          **MR. WOODWARD:** That's my understanding of the law.  
19          And my understanding of the law, this is the only  
20          evidence that they've produced to support their claims.  
21          This one document. This one page. This documentation  
22          was due December 22nd, 2010.

23          On November 11th, 2011, they gave me four  
24          depositions and I was owed -- this is all of the  
25          documentation that they have produced, documentation

1           that should have accounted for two and a half years of  
2           medical school student records and four years of court  
3           cases and this is what I get. He's admitted to  
4           refusing to take documentation, to take evidence,  
5           blatantly refused, okay, he's admitted that to you, all  
6           right, so I cannot answer this properly because of the  
7           rulings you've put in front of me.

8           Now, under the law he should be estated for what  
9           he's presented as evidence that he's producing in  
10          court, what he produced in court, which is this  
11          document. This is the document. And according to this  
12          document there's objective and subjective comments.  
13          That's my understanding of the law.

14          I have looked for your quoted comments using  
15          search engines to search for my website for these  
16          quoted comments, I did not find those comments. I  
17          communicated to you that I did not find these comments.  
18          I communicated to you that if you want me to remove  
19          anything, I'll cooperate with but please tell me what  
20          it was. I communicated with you through dockets.

21          This is the only documentation that he has ever  
22          produced, to my knowledge, and I have all of the  
23          dockets sitting here for which his claims are based,  
24          besides three deposition of which -- four depositions,  
25          three of which I gave him and my 2,600 pages of

1 documentation that I gave to him for free, that I had  
2 stapled, collated and produced to him and which you  
3 criticized me for like I implanted requests for  
4 admissions inside these documents to hide request for  
5 admissions on December 22nd.

6 **THE COURT:** None of that has anything to do with  
7 what we're talking about now. The question is simple,  
8 do you have a listing of the things you are enjoined  
9 from doing and I asked you did you do those things and  
10 you go off on a tangent about how bad the other guy is.  
11 And maybe you're correct, I'm not suggesting that the  
12 allegations you're making lack merit or anything, they  
13 don't have anything to do with my questions.

14 You have in front of you the things you were  
15 enjoined from doing. Simple question, did you post any  
16 of those on the website?

17 **MR. WOODWARD:** And I replied to the Court that  
18 these quoted sentences, that you said I cannot say of  
19 which I cannot even -- that you told me that I cannot  
20 even defend as being right or wrong.

21 **THE COURT:** Wait, where is the issue of defending  
22 right or wrong? The question is, did you make the  
23 statements?

24 **MR. WOODWARD:** Your Honor, I cannot find these  
25 documents, these statements, in quotes, on this page.

1           **THE COURT:** I'm not interested in, "This page",  
2 I'm interested in whether they're on your website or  
3 not.

4           **MR. WOODWARD:** Let me give you an example, if you  
5 will. Let me give you a simple example. You,  
6 yourself, say I cannot longer say or do anything that  
7 says that AUA committed perjury, that's your very last  
8 statement here. You say that, that I cannot longer say  
9 that.

10          **THE COURT:** Okay.

11          **MR. WOODWARD:** Okay. Is that fair? So, I'm  
12 enjoined from ever saying that statement.

13          **THE COURT:** Okay. Are you acknowledging that the  
14 website did say it?

15          **MR. WOODWARD:** Please, sir, can I --

16          **THE COURT:** No, I want you to answer the question.  
17 That's the question before you.

18          **MR. WOODWARD:** The attorney here told you on page  
19 18, on April 19th, on line 17, the very last page, of  
20 course, is a verified, signed under oath, by the  
21 President of the University, indicated that the  
22 allegations contained here, in this complaint are, in  
23 fact, true. He has reviewed them and the like.

24          **THE COURT:** That doesn't answer my question to  
25 you.

1           **MR. WOODWARD:** Sir, one second. One second. This  
2 is your comment concerning the sexual harassment of a  
3 student. Page 19, line 19, this is your statement,  
4 "That's the spin you put on it--", you're saying this  
5 to him, "--but the statement itself is actually true,  
6 AUA students are sexually assaulted, have they?"

7           Mr. Buikema replies, "An AUA student was sexually  
8 assaulted." Under oath, Neil Simon has made a false  
9 statement.

10          **THE COURT:** So, what does that have to do with the  
11 question I'm asking you?

12          **MR. WOODWARD:** Sir, you've told me now that I  
13 cannot ever say again that this person committed  
14 perjury.

15          **THE COURT:** Time out. You say, "Ever say again",  
16 are you acknowledging that you said it?

17          **MR. WOODWARD:** That's what you're saying.

18          **THE COURT:** Yeah, but are you acknowledging that  
19 you said it?

20          **MR. WOODWARD:** I don't think I put, "AUA committed  
21 perjury", on my website.

22          **THE COURT:** Then why are you discussing it now?

23          **MR. WOODWARD:** Because you're telling me that I  
24 can never say AUA committed perjury and I've just given  
25 you evidence that they do commit perjury.

1           **THE COURT:** Than didn't convince me at all. The  
2 fact of the matter is you were told you can't say it.  
3 And personally you're now acknowledging --

4           **MR. WOODWARD:** I didn't say that on my website.  
5 If you please find, "AUA commits perjury", on my  
6 website --

7           **THE COURT:** Why should I have to find it? Don't  
8 you know what you put on your website?

9           **MR. WOODWARD:** I've looked for it and I gave you  
10 documentation saying I cannot find that statement, "AUA  
11 committed perjury", on my website. There are objective  
12 and subjective comments. And this comment here that  
13 says, "This site contains evidence about AUA", that's  
14 pretty subjective. Please, find me the statement that  
15 says, "AUA committed perjury", I can't find that  
16 statement.

17           **THE COURT:** We'll get to that one and I'll ask the  
18 Plaintiff's attorney to point it out, okay.

19           **MR. WOODWARD:** Okay, please --

20           **THE COURT:** Just hold on, let's go through the  
21 other one.

22           **MR. WOODWARD:** I would rather -- can we do one at  
23 a time?

24           **THE COURT:** No, we're going to do it my way. If  
25 you're going to deny that you said any of these things,

1 that's one thing, but remember, you're under oath.

2 **MR. WOODWARD:** Okay. Next one, "AUA colluded with  
3 St. Joseph Mercy Oakland to maliciously end Woodward's  
4 career", okay.

5 **THE COURT:** Okay. Was that statement on the  
6 website?

7 **MR. WOODWARD:** That statement, in quotes, is not  
8 on the website.

9 **THE COURT:** In essence, did you allege that, that  
10 they colluded?

11 **MR. WOODWARD:** Well, that's totally different  
12 because you, in your own opinion, have given evidence,  
13 under your own opinion, that they committed perjury.

14 **THE COURT:** We're not on that, we'll get to that  
15 at a different point. I understand you want to  
16 criticize them and you have a right to, but not right  
17 now.

18 I want to know whether you made this statement  
19 that, "AUA colluded with St. Joseph to maliciously end  
20 Woodward's career", does the website say that?

21 **MR. WOODWARD:** I cannot answer that question.

22 **THE COURT:** Why?

23 **MR. WOODWARD:** Because it's your opinion, sir,  
24 it's not my opinion.

25 **THE COURT:** No, I'm asking you if you said it.



1           **MR. WOODWARD:** It's your opinion, it's not my  
2           opinion.

3           **THE COURT:** I'm not giving you an opinion, I'm  
4           asking you if you said it.

5           **MR. WOODWARD:** That statement, in parentheses,  
6           does not exist.

7           **THE COURT:** Did you allege in that website that  
8           they colluded with St. Joseph to maliciously end your  
9           career?

10          **MR. WOODWARD:** That's a different statement.

11          **THE COURT:** I'm asking you, did you?

12          **MR. WOODWARD:** Did I say that they worked  
13          together? I'm asking -- I don't know what the entire  
14          statement says and I asked you to verify that. I asked  
15          you, in your documents, to verify that.

16          **THE COURT:** I'm not verifying anything. You tell  
17          me whether or not --

18          **MR. WOODWARD:** Please, let them give their --

19          **THE COURT:** I don't understand why --

20          **MR. WOODWARD:** Please, let them give their  
21          information and if you rule against it -- let them tell  
22          you what they said and if you rule against it then,  
23          please, I'll remove it. I've asked you to do that. If  
24          they give you information that verifies this, I'll  
25          remove it and I told you that.

1           **THE COURT:** I'm going to go to that but I don't  
2 understand why you, who put out that website, refuses  
3 to acknowledge whether or not there are statements on  
4 the website to the effect that AUA committed --  
5 colluded with St. Joseph to maliciously end Woodward's  
6 career.

7           **MR. WOODWARD:** Your Honor, please let them produce  
8 their evidence, if you agree with it, I'll remove it.  
9 If you agree with it, then I'll remove it.

10          **THE COURT:** You didn't follow the rule. I'm  
11 running the show. You may want it done in a different  
12 manner, but I'm running the show. And the question is  
13 very simple, does your website indicate or communicate  
14 to the public that AUA colluded with St. Joseph to  
15 maliciously end Woodward's career?

16          **MR. WOODWARD:** I can't answer that.

17          **THE COURT:** Why?

18          **MR. WOODWARD:** I did a word search for it and I  
19 cannot find that statement. If you're asking me to  
20 come up with intention or something that's objective  
21 versus subjective, I can't answer that. Please, let  
22 them --

23          **THE COURT:** Sir, listen to me, I'm running the  
24 show. We're not going to do that. We're going to get  
25 to that. But I want you to tell me, under oath,

1           whether or not, for example, the website says, in  
2           effect, that AUA breaches contracts, did you say that?

3           **MR. WOODWARD:** I don't know.

4           **THE COURT:** You don't know?

5           **MR. WOODWARD:** I don't know.

6           **THE COURT:** Why don't you know?

7           **MR. WOODWARD:** It could -- I don't know. I don't  
8           know. I looked for those statements that you told me  
9           to look for, I did not find them.

10          **THE COURT:** So, you looked at the website to see  
11          whether or not there's anything on there about AUA --

12          **MR. WOODWARD:** I did the research, here's the  
13          text, here's the files. I searched for all those  
14          statements that you told me to look for and I didn't  
15          find them.

16          Now, did I go through the hundreds of pages of  
17          documentation, the hours of videos to find each one of  
18          these statements? I went and I watched the videos,  
19          I've listened to the videos, right, and I tried to  
20          watch these videos to find where I said that. If they  
21          produce that information -- and I told you I'll happily  
22          remove this. I did a word search on my site and I  
23          could not find these quoted statements that you  
24          requested that I remove.

25          Now, if you're saying, okay, "Mr. Woodward, could

1           you have intended to do this? Could you have intended  
2           to do that?" How many blocks of this data do you want  
3           me to remove?

4           I will shut down that website for you, if that's  
5           what it takes to just get this done. If you want me to  
6           do that, I'll shut off everything and I'll go to the  
7           Appeals Court, if that will solve this whole problem  
8           and I'll shut it off and tell the Appeals Court.

9           But how do I go to the FBI and produce  
10          documentation that supports these claims? How do I go  
11          to the Courts and say these claims are actually true?  
12          You've prevented me to even determine if these claims  
13          are true.

14          **THE COURT:** Well, as I recall, there were request  
15          for admissions submitted to you in which one, for  
16          example, asked you to admit that the statement that AUA  
17          breaches contracts was made and it's not true and you  
18          didn't answer that.

19          **MR. WOODWARD:** Hold on, now you're saying I did  
20          not answer that question?

21          **THE COURT:** Right.

22          **MR. WOODWARD:** I did answer their questions and I  
23          gave them their answers on December 22nd.

24          **THE COURT:** Which is much later than were  
25          required?

1           **MR. WOODWARD:** I had a motion, which according to  
2 Rule 36, my understanding of Rule 36 and according to  
3 the United States District Court Western District of  
4 Washington, a motion for protective order is allowed to  
5 be used as an -- on motion.

6           **THE COURT:** You're rehashing issues that had been  
7 decided, right or wrong, they've been decided. So, I  
8 issued an order. A lot of things that they wanted me  
9 to enjoin you, I didn't, okay, I didn't enjoin  
10 everything they asked; is that correct?

11           **MR. WOODWARD:** You've let them get away with  
12 perjury by filing a default wrongfully.

13           **THE COURT:** Is it true that they requested you be  
14 enjoined from a lot of things --

15           **MR. WOODWARD:** I have no idea. I think I deserved  
16 those enjoinderments and the merit of my case proves it.

17           And the fact that the first three counts that  
18 they're accusing me of aren't even meritable by law.  
19 And the guy who made that sign, under oath, Neil Simon,  
20 an officer of the Court, said that I'm guilty of these  
21 things.

22           **THE COURT:** Sir, you're not dealing with the  
23 issue. Did you know -- were you served with a request  
24 for an injunction?

25           **MR. WOODWARD:** Okay. Now, you're going back to

1 the request for injunction. Okay. You told me --

2 **THE COURT:** Were you served?

3 **MR. WOODWARD:** This right here, I received this  
4 documentation.

5 **THE COURT:** Motion for injunction?

6 **MR. WOODWARD:** I did.

7 **THE COURT:** Did it ask what things they wanted you  
8 to be enjoined from?

9 **MR. WOODWARD:** There are seven things I'm enjoined  
10 from --

11 **THE COURT:** No, I didn't ask you what were you  
12 enjoined from. I asked you in their motion did they  
13 request that you be enjoined from certain things?

14 **MR. WOODWARD:** I don't understand your question.

15 **THE COURT:** Didn't they want you to be enjoined  
16 from doing a lot more than I actually enjoined you from  
17 doing?

18 **MR. WOODWARD:** Correct, like counts one through  
19 three, which I'm innocent of.

20 **THE COURT:** We're not on counts. Didn't they  
21 itemized the number of things they wanted you --

22 **MR. WOODWARD:** You mean the statements, the  
23 statements they wanted me to be enjoined from?

24 **THE COURT:** Yes, right.

25 **MR. WOODWARD:** And you ruled that those statements

1 did not either -- were subjective and were not part of  
2 this or that the statements were actually true.

3 **THE COURT:** So, I refused to enjoined you from  
4 some of those things that they wanted, right?

5 **MR. WOODWARD:** Well, I mean, that's kind of a  
6 violation of my due process if you're letting them get  
7 away with perjury and you're telling me I cannot say  
8 that AUA committed perjury.

9 **THE COURT:** What's that got to do with my  
10 question? Didn't they request a number of things and  
11 you just said that I ruled I wouldn't enjoin you from  
12 doing certain things, right?

13 **MR. WOODWARD:** Okay. Were they merited by law?  
14 Yeah, probably.

15 **THE COURT:** I don't know that they agreed with my  
16 ruling, okay, but too bad. I mean, that's my ruling.  
17 Like it or not, they can go to the Sixth Circuit on it.

18 But my point is, out of all of the number of  
19 things they wanted you to be enjoined from doing --

20 **MR. WOODWARD:** Twenty-one.

21 **THE COURT:** Okay. Fair enough.

22 **MR. WOODWARD:** And I --

23 **THE COURT:** And I only enjoined you from doing --

24 **MR. WOODWARD:** Seven.

25 **THE COURT:** Seven. Okay. So --

1           **MR. WOODWARD:** It's interesting that these seven  
2 things, "AUA falsifies find grades, AUA breaches  
3 contracts, AUA commits perjury", your own -- AUA  
4 commits perjury, are things that you support.

5           **THE COURT:** You're going back to the issue again.  
6 I don't agree with you. I've made my ruling. I've  
7 heard you out --

8           **MR. WOODWARD:** Right, and my understanding is I  
9 could not type these six sentences. Now, if you say,  
10 "Mr. Woodward, you cannot type these six sentences and  
11 all the entire paragraph and the video that goes along  
12 with it and everything that goes along with that and  
13 every sentence in every video that goes along with  
14 that", then please tell me and I'll remove it and I  
15 sent you a docket saying that I will do that. I said I  
16 would cooperate with you if you tell me that, right?

17           You said I cannot say these seven things. I told  
18 you I cannot find these seven things, okay. If you  
19 say, "Oh, but this infers to this, this infers to this  
20 statement", then I can't make that judgment because I'm  
21 subjective. I believe that this is true. But you've  
22 prevented me from proving that it's true.

23           And --

24           **THE COURT:** I haven't -- we're not on --

25           **MR. WOODWARD:** And now you're saying I can't say



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1           these. If you just come up and say, "Mr. Woodward,  
2           just shut down your whole website", I'll shut it down.

3           **THE COURT:** Maybe that's the best way to deal with  
4           this.

5           **MR. WOODWARD:** And I will. If you want me to do  
6           that, I'll do that, sir.

7           **THE COURT:** If the that's the only way you can  
8           comply with my order --

9           **MR. WOODWARD:** That's the only way I can comply  
10          with your order because they'll come back and say, "Oh,  
11          but this particular statement right here infers that  
12          Mr. Woodward is saying 'I'm committing perjury' because  
13          of this thing." I cannot -- that's why I cannot answer  
14          your question, sir, because they can always come back  
15          and say, "The students are sexually assaulted, oh, it's  
16          plural, which is totally wrong".

17          **THE COURT:** I think you're building something  
18          that's not true at all.

19          **MR. WOODWARD:** I'm not, sir. I sent you a docket  
20          saying, "If you want me to turn this stuff off, please  
21          tell me what you want me to turn off." I cannot find  
22          these seven statements.

23          **THE COURT:** Or statements that relate to them.

24          **MR. WOODWARD:** That's a different question. If  
25          you want me to shut off my websites, I will shut off my

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1 websites until I'm through with the Appeals Court.

2 **THE COURT:** I don't care whether you shut it off  
3 or not but if that's the only way that you can comply  
4 with my order, I suggest you do it.

5 **MR. WOODWARD:** Yes, sir.

6 **THE COURT:** When will it be shut off?

7 **MR. WOODWARD:** I'll delete everything on them  
8 tonight. They'll be blank, empty vessels.

9 **THE COURT:** Anything by Plaintiff's counsel?

10 **RESPONSE BY MR. BUIKEMA**

11 **MR. BUIKEMA:** No, if the website is shut off,  
12 we're satisfied.

13 **MR. WOODWARD:** And I'll shut off all the Youtube  
14 videos. If you find any other videos, I'll shut them  
15 off.

16 **MR. BUIKEMA:** Hold on, it's my turn, Mr. Woodward.  
17 He raises an interesting issue which there are  
18 derivative products. There's a secondary website.  
19 There are Youtube videos that are published. So long  
20 as we're encompassing the entire universe of the  
21 publications Mr. Woodward makes concerning my clients,  
22 if those are removed, shut down, I'm satisfied that he  
23 would have, in the future, at least, complied with the  
24 injunction by so doing.

25 Having said that, there's a period of time for

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1 which he has still been in contempt, a lengthy one for  
2 which he's offered no excuse or explanation. That was  
3 willful. It was intentional. It was flagrant. I  
4 think he needs to be punished for that.

5 **THE COURT:** Well, I was trying to avoid going into  
6 detail on each one of these since he's offered to shut  
7 down the website in order to comply with my order,  
8 which I would then consider not holding him in contempt  
9 if he does that.

10 But I'm wondering if you, counsel, can articulate  
11 to him, in writing, that which you want shut down, less  
12 than the entire website to comply with the injunction.

13 **MR. BUIKEMA:** And the answer is I will certainly  
14 try to met that request. I'll certainly try to work  
15 with him to do that.

16 Let me observe first, with the Court's patience,  
17 that it's not our obligation to insure that he  
18 complies. And observe second, that he is the publisher  
19 of all these statements and therefore it is unknown to  
20 us the extent, the medium, the means, in entirety, by  
21 which he's published these things.

22 I can certainly explain to the Court now and to  
23 him what I think or what I have observed or seen but I  
24 don't want that to be used as a limitation in terms of  
25 enjoining his future conduct as this is the entire

1 universe of things that are objectionable. He has to  
2 comply with the written order, period. Those  
3 categories of items that he is enjoined from doing.

4 I can't articulate and exhaust all the sources,  
5 means, methods by which he's done that but I can  
6 articulate some.

7 **THE COURT:** Well, articulate some now so we get an  
8 example.

9 **MR. BUIKEMA:** I'd be happy to. Judge, I provided  
10 you at the end of the last hearing some exhibits which  
11 begin with the home page for his website and that lists  
12 several categories which are specifically on point --

13 **THE COURT:** I asked him to put copies on your  
14 side.

15 **MR. BUIKEMA:** I did. I provided Mr. Woodward  
16 copies of all the things I provided to the Court. And,  
17 you know, again, you pull up the front page --

18 **THE COURT:** Let's all be on the same page, looking  
19 at the same thing, at the same time.

20 **MR. BUIKEMA:** If you pull up Mr. Woodward's home  
21 page, this is -- and this will be the top copy or top  
22 item that we produced to you in that stack. You see  
23 this site contains evidence about AUA and five bullet  
24 point items: Fraud, falsifying student grades, breach  
25 of contract, disregard for student civil rights and

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1 conspiring against the students. This is the first  
2 thing you see are these five items specifically  
3 enjoined by this Court.

4 **RESPONSE BY MR. WOODWARD**

5 **MR. WOODWARD:** I'm willing to delete all of this.

6 **MR. BUIKEMA:** He's willing to delete all of that  
7 and he should have as of December 5th.

8 **MR. WOODWARD:** I'm deleting the whole website.

9 **MR. BUIKEMA:** Right.

10 **MR. WOODWARD:** I'm deleting all the Youtube  
11 videos, both websites, and I don't know where these  
12 videos have gone because of the nature of the internet.  
13 If you find something, then please tell me and I'll  
14 delete it. I don't know how deep this goes. It's the  
15 internet, for God's sake.

16 **MR. BUIKEMA:** If he's deleting everything --

17 **MR. WOODWARD:** I will delete everything I said  
18 about St. Joseph Oakland, I'll delete -- I mean, both  
19 websites, to the best of my knowledge, will be deleted  
20 tonight.

21 **RESPONSE BY MR. BUIKEMA**

22 **MR. BUIKEMA:** If he does that, I'm satisfied that  
23 there's no continuing violation.

24 **Disposition By The Court**

25 **THE COURT:** All right. Then with that

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1           understanding, the Court will adjourn at least the  
2           hearing on contempt and if he complies with what he  
3           said he's going to do now, I don't know that there's  
4           any need on the hearings on contempt.

5           You want to say something more?

6           **MR. WOODWARD:** No, sir.

7           **THE COURT:** And you'll have it done by tonight?

8           **MR. WOODWARD:** Soon as I get home, I'll delete all  
9           this stuff. I won't just change, it's deleted.

10          **THE COURT:** And you have a way of verifying  
11          whether he did it or not?

12          **MR. BUIKEMA:** Within reason, yes.

13          **THE COURT:** Then I want you to communicate to the  
14          Court, with copies to him, that you're satisfied or he  
15          did most of it, Judge, but he failed to do "A", "B",  
16          and "C", so he knows what it is that you think he  
17          didn't do, and he could deal with that.

18          **MR. BUIKEMA:** I think that's fair.

19          **THE COURT:** Okay. Now, are you satisfied that if  
20          he does that, we can pass on the hearing on damages?

**Motion on Damages**

**RESPONSE BY MR. BUIKEMA**

23          **MR. BUIKEMA:** Let me put it this way, Judge, and  
24          I'll be perfectly candid with the Court. Mr. Woodward  
25          has exemplified and represented to this Court that he's

1 indigent. There's no likelihood of us recovering the  
2 money if you were to grant us one in that circumstance.  
3 So, our biggest goal today, of course, was to ensure  
4 compliance with the injunctive portion of your order.

5 My client has been damaged by his conduct.  
6 Significantly damaged by his conduct. It was my  
7 intention today to put on, at least, de minimus proofs  
8 as to damages and ask you for at least a nominal award.

9 But given what's transpired here today, I'd be,  
10 let's say, content to pass on that issue, without  
11 waiving it for now if that means the Court's approval.

12 **Disposition By The Court**

13 **THE COURT:** Okay. We'll pass on that issue, I'm  
14 not ruling one way or another; but frankly, it's my  
15 belief that if he's cooperative and does what we're  
16 talking about, that the contempt hearing will go away  
17 and the damages claim will go away. If he doesn't  
18 satisfactorily do what he said he'd do, we can deal  
19 with that at a later date.

20 **RESPONSE BY MR. BUIKEMA**

21 **MR. BUIKEMA:** Thank you. Let me just raise one  
22 more wrinkle and I don't mean to cause any wrinkles or  
23 ripples. But Mr. Woodward has indicated an intention  
24 to appeal, which is fine, and is, of course, his right.

25 But one thing I do need to consult with my client,

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1 before we actually waive a damages claims as oppose to  
2 pass on one today, is whether or not such an activity  
3 may cause him to have to post a bond to do that. For  
4 obvious reasons, I just want to be clear I'm not  
5 waiving.

6 **MR. WOODWARD:** Excuse me, can I speak?

7 **THE COURT:** Sure.

8 **RESPONSE BY MR. WOODWARD**

9 **MR. WOODWARD:** I'd like to thank Mr. Buikema for  
10 his comment. And I feel that shutting down all of my  
11 website and any kind of first amendment right to say  
12 whatever I want to say has been -- I'm willing to,  
13 right now, give up -- I mean, anything on my website  
14 that's true, I'm actually shutting off. So, I think  
15 it's probably a fair deal however it goes. Because you  
16 only told me to enjoined from seven statements out of  
17 21 of which the majority of them are actually not  
18 actionable. So, I mean, that seems like a pretty fair  
19 deal, I would think.

20 **THE COURT:** I think that's a reasonable position.  
21 Did you understand what he indicated about --

22 **MR. WOODWARD:** I did not, sir.

23 **THE COURT:** He's seeking damages for what he  
24 believes they've suffered as a result of your violating  
25 the injunction. He's claiming that they suffered



1 damages, all right?

2 **MR. WOODWARD:** Okay.

3 **THE COURT:** All right. Now, if I determine that,  
4 in fact, you did violate that, then --

5 **MR. WOODWARD:** I don't understand, violate what?

6 **THE COURT:** The injunction. If you did that and  
7 they were damaged by it, they have a right to seek  
8 money damages from you.

9 **MR. WOODWARD:** Are you saying if I don't shut it  
10 down tonight? I don't understand. I guess I don't  
11 understand.

12 **THE COURT:** Go slow. Prior to your agreeing to  
13 shut it down, okay, they said in their pleadings,  
14 "Judge, he violated these things and we suffered  
15 damages."

16 **MR. WOODWARD:** For the last 20-something days.

17 **THE COURT:** Whatever. I said we'll have a hearing  
18 on whether or not he violated, number one; and then  
19 number two, if I decide he did, then we'll have a  
20 hearing on how much damages he should pay.

21 Counsel has just said to me, correct me if I'm  
22 wrong, that based on what you've indicated, you're  
23 willing to withdraw the website, he's willing to ask  
24 this client to waive any claims for damages.

25 And what he said in addition, this is his words,

1 not mine, that he may want to find out whether or not  
2 you're going to appeal this decision because if you do,  
3 he may then want, if he's successful, to seek damages;  
4 if you don't appeal, I think he's saying he won't seek  
5 damages, is that what you're saying?

6 **MR. BUIKEMA:** I don't have the authority to make  
7 that deal on behalf of my client, but that's certainly  
8 what I think they will do, yes.

9 **THE COURT:** You have a right to appeal and he has  
10 a right to seek damages. You both have a right to give  
11 up those rights. Now, do you fully understand what's  
12 going on today?

13 **MR. WOODWARD:** I believe so. I'll re-read it when  
14 I get it in the docket. But again, he hasn't even  
15 received information from his client. He hasn't  
16 received permission from this client yet, I mean, we  
17 have to find out then.

18 **THE COURT:** Well, let's put it this way,  
19 regardless of what his client says if, in fact, you do  
20 what you said you'll do and you don't further burden  
21 this plaintiff with litigation, appellate or otherwise,  
22 I am not going to look favorable on him pursuing  
23 damages. That's as much as I can tell you. I can't  
24 tell you you shouldn't appeal, that's up to you.

25 **MR. WOODWARD:** I understand the situation we're in

1 now.

2 **THE COURT:** But it seems to me that if that's the  
3 way things lie, that may be the best resolution to this  
4 case. Saves you from further contempt proceedings,  
5 saves you from further possible monetary damages, gives  
6 them what they want, okay?

7 **MR. BUIKEMA:** Yes Judge. Thank you.

8 **MR. WOODWARD:** Sir, am I released from contempt?

9 **THE COURT:** You are.

10 (Whereupon proceedings concluded at 2:46 p.m.)

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**C E R T I F I C A T I O N**

I, Nefertiti A. Matthews, official court reporter for the United States District Court, Eastern District of Michigan, Southern Division, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a correct transcript of the proceedings in the above-entitled cause on the date hereinbefore set forth.

I do further certify that the foregoing transcript has been prepared by me or under my direction.

Date: January 23, 2011

s:/Nefertiti A. Matthews  
Nefertiti A. Matthews,  
Official Court Reporter